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## **Parliament and Congress: A Brief Comparison of the British House of Commons and the U.S. House of Representatives**

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# Parliament and Congress: A Brief Comparison of the House of Commons and the House of Representatives

## Summary

Although the United States Congress can trace its origins to British Parliament, the two institutions have evolved in significantly different directions over the past two centuries. This report provides a brief overview of the parliamentary practices in the House of Representatives and the British House of Commons focusing on such issues as membership and qualifications, the role of the Speaker and party or Government leaders, the role of committees, floor consideration, and second chambers. In a report of this length, many nuances of procedure and many rarely used parliamentary practices or traditions, both in the House of Commons and in the House of Representatives, are necessarily omitted or treated only in a cursory manner. This report will be updated as events warrant.

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# Parliament and Congress: A Brief Comparison of the British House of Commons and the House of Representatives

Although the U.S. House of Representatives, along with many other national and state legislatures, developed its initial parliamentary practices based on the model of the British House of Commons, the House of Representatives and the House of Commons have long evolved along quite divergent lines. This report<sup>1</sup> briefly summarizes key features in the legislative procedures of both chambers, although a systematic comparison would require a substantially longer document.

The fundamental purposes of the chambers are different: the House of Commons serves as the forum for the formation and maintenance of the Government which, in turn, is comprised primarily of ministers and deputies drawn from the majority party or block in the House of Commons; the House of Representatives exists as a legislative and oversight forum whose policy preferences may or may not coincide with those of the separately elected government, that is, the presidency and the rest of the executive branch.

In the House of Commons, the Government's legislative agenda is, consequently, the agenda of the House of Commons, and few major policy initiatives not formally sanctioned by the Government are considered by the House of Commons. In the U.S. House, the significant work of the session is the funding and continued maintenance of government programs, but individual Members and individual leaders can influence the House's agenda to a degree unheard of in the Commons.

## **Terms of Office and Timing of Elections**

Under the Parliament Act, 1911, the duration of a Parliament may not exceed five years from the date on which the current Parliament first convened. In recent decades, general elections have generally been held during the fourth year of a Parliament. The timing of elections is most often determined by the Government which announces the date on which a general election will be held, usually within 30 days of the announcement. The Government must also formally request the Crown to dissolve Parliament. On April 5, 2005, the Government announced May 5 as the date for the general election. The Queen formally dissolved Parliament on April 11.

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<sup>1</sup> This report was originally written by Paul S. Rundquist, formerly a Specialist in American National Government at CRS. Dr. Rundquist has retired, but the listed author updated the report, and is available to answer questions concerning its contents.

After the general election on May 5, the newly elected Parliament convened on May 11 to elect a Speaker, and met again on May 17, 2005, for the formal state opening of Parliament and the Queen's Speech.

By comparison, the congressional elections occur on the Tuesday after the first Monday in November of each even numbered year. The dates of party primary elections to choose party candidates for the House of Representatives are set by state law and generally occur in the first six months of the election year.

American national party organizations now often provide primary campaign assistance for favored candidates. For the House of Commons, constituency committees composed of local party activists select candidates, often far in advance of a general election. National party organizations sometimes seek to influence the selection of the constituency committee, but will generally bow to local preferences except when a candidate is thought unlikely to support party policies.

In both bodies, vacancies occurring between general elections are filled by special election. The House of Commons typically orders a special, or by-election, to be held within three months of the date on which a vacancy occurs. Special elections for the House of Representatives are regulated by state laws which vary widely in the speed with which special elections are to be held. In both chambers, vacancies occurring near a general election are allowed to remain vacant until filled at the regular election.

## **Sizes and Constituencies**

Various statutes have often altered the size of the House of Commons. In the most recent parliamentary elections (2005), 646 seats were contested. Of that total 645 Members of Parliament (MPs) were elected, each from a specific electoral district.<sup>2</sup> At times, Parliament has set the number higher or lower as determined by statutory mandate. In the Parliament elected in 2001, there were 659 MPs. Thirteen constituencies in Scotland were consolidated to establish relatively similar levels of representation in English and Scots parliamentary seats. In England, as many as 707 MPs were elected before the establishment of the Irish Free State in the early 20<sup>th</sup> century, and as recently as the 1950 parliamentary election, the House of Commons had only 625 MPs. The number of MPs likely will change before the next general election, due to proposed boundary adjustments recently issued by the Boundary Commission for England (described below).

The size of the House of Representatives has been fixed by law at 435 since 1910, although a temporary increase to 437 was permitted to provide seats for Representatives from Alaska and Hawaii from 1959 to 1961. Four nonvoting Delegates represent U.S. insular possessions and the District of Columbia. A Resident Commissioner is elected for a four-year term from Puerto Rico. These positions are without analog in the House of Commons.

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<sup>2</sup> During the 2005 general election campaign, a candidate in one British constituency died. The campaign was vitiated in that constituency, and by-election will be scheduled to fill the open seat.

With the population of Great Britain now slightly more than 60 million, the average MP represents a constituency of roughly 91,000. In the allocation of seats, an English constituency has more people, closely followed by districts in Scotland. Constituencies in Wales and Northern Ireland are comprised of fewer people. The average U.S. House district has about 670,000 people. Under the U.S. Constitution, a Representative must be a resident of the state in which the district he or she represents is located. In the House of Commons, an MP need only be a British subject, but it is becoming increasingly rare for MPs to have no residency connection with their constituencies.

British MPs must be at least 21 years of age, while U.S. Representatives must be 25 and U.S. Senators, 30. Naturalized British subjects are eligible to seek election to the House of Commons immediately while naturalized U.S. citizens are eligible to serve in the House of Representatives after seven years of citizenship and, in the Senate, after nine.

In the House of Commons, a major enactment in 2000 established an Electoral Commission. Henceforth, the commission will be responsible for recommending changes in the number and boundaries of electoral constituencies. The commission must make recommendations every eight to 12 years concerning boundary adjustments, based on recommendations from four boundary committees (one each for England, Scotland, Wales, and Northern Ireland). Recommendations from each of the committees are sent on to the commission which, after reviewing and possibly revising them, forwards them to the Home Secretary, who submits them without change to Parliament. The new boundaries go into effect at the next general election for the House of Commons.<sup>3</sup>

So long as Congress does not change either the legal size of the House of Representatives or the redistricting formula, the reapportionment of seats allotted to each state on the basis of population is automatic following each decennial census, with the state legislatures redrawing their House district boundaries. In the event that a state legislature fails to pass a new reapportionment act, responsibility for redistricting falls to the courts. By comparison, the decisions of the British Electoral Commission (when they become law) may not be challenged under any legal proceeding.

## **Parties and Their Roles in the Chamber**

In modern practice, the Prime Minister is the head of the Government and is always a member of the majority party or coalition in the House of Commons. The Cabinet comprises primarily leading House of Commons Members of the majority, although Members of the House of Lords have served as Cabinet ministers. In fact, designating someone outside Parliament as a “life peer” has been one recent means of bringing someone essentially from private life into the Government. Cabinet

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<sup>3</sup> The number of constituencies and the boundaries of individual constituencies may be changed on rare occasions, separate from the periodic comprehensive review. For example, in 1990, the constituency of Milton Keynes, about 30 miles northwest of London, was divided into two seats because of rapid population growth there.

members are expected to support in public the collective judgment of the Government and their Cabinet colleagues. A Cabinet minister who cannot support a major Government policy is expected to resign from his or her post.

Sitting Members of the U.S. Congress cannot simultaneously serve in the President's Cabinet, because such service is an "incompatible office" under the Constitution. Many Presidents, however, offer Cabinet appointments to senior Members of Congress, who resign in order to accept such appointments. The examples of Norman Mineta (2003) and Porter Goss (2005) resigning from the House of Representatives to accept appointments as Secretary of Transportation and Director of Central Intelligence, respectively, are but two such examples.

The Prime Minister, although head of the Government and an MP, is not the Leader of the House of Commons. The Leader of the House of Commons, a member of the Government, is the chief spokesman for the majority party on matters of the internal operation of the Commons. The office of the Leader issues announcements of the impending House of Commons schedule, and a routine inquiry from the Opposition's counterpart serves as the occasion for the Leader to announce the business for the next two weeks of session.

The party whips in the House of Commons have many more duties and powers than their counterparts in the House of Representatives. In both bodies, the whips are a key communications link between other members of the party and governmental leadership and rank-and-file members. Whip notices in both are sent to party members informing them of upcoming chamber action and scheduled meetings of party organizations. However, the British whip notices also inform party members of the relative importance of upcoming votes. A so-called "one-line whip" "requests" the presence of members in the chamber for certain action; a "two-line whip" announces the possible occurrence of a division vote; and a "three-line whip" announces that member attendance is required for a matter of vital business, such as a vote of confidence or passage of the budget. Absence or abstention on a vote taken after a "three-line whip" will almost certainly cause the imposition of some disciplinary action against a party member. This can include a written reprimand from the party chief whip (also communicated to the Member's constituency party organization), temporary suspension from the party organization in Parliament, or a "withdrawal of the whip," a formal expulsion from the party organization. Whips also serve as sounding boards and recommending authorities for the appointment of committees in Parliament, and for the selection of MPs for subcabinet positions or as spokesmen for the Opposition. In the U.S. Congress, disciplinary action for voting against the views of party leaders is rare, although Senators and Representatives may indirectly be sanctioned by denial of assignment to, or leadership positions on, important committees.

In the House of Commons, party organizations (akin to the Republican Conference or Democratic Caucus) meet regularly to discuss policy, and to provide an opportunity for back-bench party Members to voice their views to ministers or shadow cabinet members in a private forum. It is these organizations which



historically have chosen their party leaders, who in turn become Prime Minister or Leader of the Opposition.<sup>4</sup>

**Table 1. House Of Commons and House of Representatives Compared**

	House of Commons	House of Representatives
Terms	No more than five years	Two years
Elections	At the discretion of the Government, approximately 30 days following dissolution of the previous Parliament by the Queen	The first Tuesday after the first Monday in November, even-numbered years
Qualifications	21 years of age	25 years of age
District/Constituency Size (Approximate)	91,000	670,000
Executive Control	Yes	No
Seats	646 Members	435 Members 4 Delegates 1 Resident Commissioner
Parties Represented	9 <sup>a</sup>	2
Distribution of Seats	Labour, 356 Conservative, 197 Liberal Democrat, 62 Others, <sup>b</sup> 28 Independent, 1 Vacant, 1	Republican, 231 Democrat, 202 Independent, 1 Vacant, 1

**Note:** Information current as of May 19, 2005.

a. Excludes MPs elected under independent, single issue, or local organizations

b. Other parties and the number of seats they hold, include Democratic Unionist Party, 9; Scottish National Party, 6; Sinn Fein, 5; Plaid Cymru, 3; Social Democratic & Labour Party, 3; Ulster Unionist Party, 1; Respect-Unity Coalition, 1; and Independent Kidderminster Hospital and Health Concern, 1.

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<sup>4</sup> The Conservative Party provides for a national mail-in ballot election for a new party leader when the parliamentary party leader resigns. Under this process, Conservative MPs vote to determine the two leading candidates and, in the mail-in ballot, rank-and-file party members make the final choice. In the recent leadership transition, no other Conservative Party MPs challenged the candidacy of Michael Howard, so no mail vote was necessary.

## The Speaker

The British Speaker has a long tradition as an impartial presiding officer. To maintain that impartiality, a Member of Parliament, upon election as Speaker, ceases his active membership in his political party and, henceforth, acts in private meetings with MPs in a manner which will not give the impression of party favoritism. If the Speaker stands at the next general election for re-election to the House of Commons, traditionally the opposition parties do not field candidates to contest his re-election. The Speaker is provided with his own personal residence in the Palace of Westminster, and receives the same salary as a Cabinet minister. When the Speaker resigns or retires, the Crown traditionally elevates the former Speaker to the House of Lords.

Traditionally, one is “called to the chair” by one’s colleagues in the House of Commons. Speakers have had varied backgrounds of prior service, but most in the post-World War II era have been backbench Members or junior Members of the whip’s office, and not Cabinet ministers. The most obvious exception to this tradition was Selwyn Lloyd, Speaker from 1971 to 1976, who previously served in six different Government posts, including that of Foreign Minister and Minister of Defence. A rare, multiple ballot election was held leading to the choice of Speaker Michael Martin in 2000. Typically, the “Father of the House” (longest serving non-ministerial MP) presides over the election of a Speaker. Informal discussions between party leaders, back-bench Members, and the Opposition about suitable candidates have gone on previously. Based on these discussions, the “Father of the House,” by prearrangement, recognizes an MP who nominates a candidate and another MP seconds the nomination. The nominee then announces whether he or she will accept the nomination. In most cases, the House of Commons then votes to elect. In 2000, an MP moved “That Mr. Michael Martin do take the Chair of this House as Speaker.” Before this motion could be voted upon, another MP moved to amend it by striking Martin’s name and inserting the name of Sir David Haselhurst instead. The House of Commons then voted on the amendment and rejected it. Ten other names were put forth by way of amendment, and each was rejected. Ultimately, after more than seven hours of consideration, the House of Commons chose Martin as Speaker by a vote of 370 yeas and 8 nays, with many abstentions.

The Speaker traditionally has come from the majority party in the House of Commons, although Betty Bothroyd, the first female Speaker of the House, chosen in 1992, was a Labor MP chosen in a Conservative-controlled House of Commons. The Speaker is assisted as presiding officer by three deputy speakers, and care is exercised to see that the four potential presiding officers come from both sides of the House of Commons, Government and Opposition. The senior Deputy Speaker is also known as the Chairman of Ways and Means, who normally presides over the Committee of the Whole House (for consistency and clarity, the U.S. equivalent is referred to in this report as the Committee of the Whole).

The Speaker and deputies, as well as the chairs of standing committees, have substantial powers. They can determine which portions (if any) of a bill may be amended, and have substantial discretion in limiting debate time. Unlike the House of Representatives, which tends to operate under the “five-minute rule” limiting the time of speeches in committee and in Committee of the Whole, no formal time limits

are imposed in the House of Commons, but the chair (in the chamber or in committee) in the House of Commons can withdraw recognition from a Member who speaks too long or off the point. It is not unusual for House of Commons Members to be informally sanctioned for speaking too long, and it is customary for a Member to cede the floor after losing the attention of the Commons.

## Quorums and Voting

In both chambers of Congress, a quorum is always presumed to be present, and few opportunities exist for delay by demanding a quorum call. In the House of Representatives, a quorum is 218 Members in the House (assuming that no seats are vacant) and 100 Members in Committee of the Whole. The absence of a quorum cannot be called to the chair's attention except on the occasion of a vote in the House or in Committee of the Whole.

The chair, on his own authority, can recognize a Member to move a "call of the House." Typically, such a call occurs before major action on the House floor or in Committee of the Whole to ensure that most Members are present, for example, to hear closing speeches on a major issue. However, the chair's discretion in these matters is absolute.

The House of Commons has banned "a count of the House" since a rules change in 1971. A quorum is always presumed present, except that no vote is official if fewer than 40 Members participate. If fewer than the requisite number of Members vote, the pending business stands over to the next sitting day, and the next item of business on the daily agenda is immediately put forward in its place.

In both the House of Commons and the House of Representatives, voice votes automatically are taken, and when the chair is in doubt or a Member demands it, a more formal vote occurs. A single Member may demand a division (standing vote)<sup>5</sup> in the House of Representatives and in Committee of the Whole; a recorded teller vote in Committee of the Whole (a second of 25 Members is required, and the names and votes are recorded by the electronic voting machine); or a yea-nay vote in the House of Representatives (a second of 44 Members is required, and names and votes are also recorded through the electronic voting machine). A recorded teller vote or yea-nay vote is automatic if a vote is objected to on the grounds that a quorum is absent.

In the House of Commons, a Member who challenges the Speaker's or Chairman's call on a voice vote may demand a division. Members vote by going into either the "yea" or "nay" lobbies, where Members' names are taken down by clerks, and the Members are counted as they leave by two "tellers" (one teller who has voted "yea" and one "nay" in each lobby) who record the vote totals. The vote totals in each

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<sup>5</sup> In the House of Commons, the Speaker may (on rare occasions) interrupt a more formal vote and require a vote in which Members stand in their places and are counted by the chair. The standing vote can be used instead of the House of Commons' more formal "division" when a small minority has persisted in demanding divisions. However, a division vote in the House of Commons is certain to occur when demanded by a major party.

lobby are announced by the Speaker or Chairman. The names of MPs and their votes are published in *Hansard* (the British equivalent of the *Congressional Record*). As noted above, if fewer than 40 Members enter the voting lobbies (including the four tellers and the Speaker or Chairman who does not vote), no quorum is present and the question is put over until the next meeting day, whereupon it will be voted on again.

Both the House of Commons and the House of Representatives attempt to reduce the amount of time consumed by votes. Normally, a division vote in the House of Commons and a recorded or yea-nay vote in the House of Representatives take 15 minutes. In the House of Representatives, the Speaker or the Chairman of the Committee of the Whole may reduce to five minutes the amount of time for subsequent votes when a number of votes are expected in quick succession. The time for the second and subsequent House of Commons division votes usually drops to between 10 and 12 minutes.

Both bodies also permit votes to be postponed for the convenience of Members. In the House of Representatives, the Speaker and the Chairman of the Committee of the Whole have the authority to postpone any yea-nay or recorded votes. The Chairman may postpone a vote to a more convenient time during the sitting of the Committee of the Whole and the Speaker may postpone a yea-nay vote in the House of Representatives for up to two session days. Most commonly, the postponement authority relates to votes on motions (in order on Mondays, Tuesdays, and Wednesdays) to “suspend the rules and pass” relatively non-controversial bills which require a two-thirds vote for success. Typically, the Speaker will postpone votes on suspension bills until Tuesday evening or Wednesday to permit Members to remain longer in their districts without missing chamber votes. In the House of Commons, if a Member presses for a vote on business (except for votes on bills or on amendments) after 10 p.m., the vote is deferred until 3:30 p.m. the following Wednesday. At that time, Members may vote via written forms on which all the previously deferred questions are listed. The forms must be submitted between 3:30 and 5:00 p.m. At a convenient time thereafter, the Speaker announces the result of the votes.

## **Sessional Agendas**

In neither the United States nor the United Kingdom is the precise duration of a congressional or parliamentary annual session known in advance. In the House of Commons, a typical annual session now covers about 150 meeting days. Out of these 150 days, the chamber business on 20 session days is controlled by the Opposition to debate such issues as the Leader of the Opposition may propose. (Seventeen days are controlled by the principal opposition party and three days by the next-largest minority party, although arrangements are sometimes made to provide time for still smaller parties.) The Opposition may not bring a piece of legislation before the House of Commons on those days, but can force an intense debate on a significant policy matter. In recent years, the Opposition has often chosen to force a debate on two topics (with time for each debate limited roughly to three hours).

Thirteen Fridays during each annual session are reserved for private (non-ministerial) Members’ business. Of several ways in which ordinary MPs may present

bills, a Private Members' Ballot is the process most likely to be successful. Early in each annual session, a "backbench" Member who is interested in introducing a bill submits his name for a drawing to determine which Members will be permitted to bring in their own bill. At the drawing, supervised by a Deputy Speaker and a senior member of the Clerk's office, 20 names are drawn. The MPs chosen will be able to bring in a bill, and to pick a specific Friday during the session for the first reading of the bill. Private Member bills with "cross-bench" (bipartisan) support obviously stand a better chance of success in the legislative process.

Another opportunity for backbench Members to propose legislation is so-called "10-minute rule" consideration. On Tuesdays and Wednesdays after early session business is completed, Members may offer motions for "leave to bring in a bill" on a specified subject. Only one Member per day may be recognized for this purpose. The Member recognized is given roughly ten minutes to explain the purpose of the proposed bill and a Member may seek recognition to speak against the motion. In recent years, the House of Commons has agreed to allow bills to be brought in about 50 times annually. It is extremely rare, however, for such bills to progress through the entire legislative process.

No similar processes exist in the House of Representatives. Legislative proposals coming from the White House must be introduced by a Member of the House of Representatives, often with the notation that the bill is introduced "by request." There is no limitation on the number of bills any House of Representatives Member may introduce, but no chamber action typically occurs on these bills (except for their automatic referral to committee) at the time of their introduction. The House of Commons determines which bills it wishes actually to consider. By comparison, the House of Representatives typically leaves such matters to its standing committees because the House will rarely consider a measure if it has not first been endorsed by the standing committee to which it was referred.

## Committee Systems

The House of Commons has developed several different types of committees, each generally used for specific purposes.

**Standing Committees.** The term "standing committee" could be misleading to American observers because a standing committee in the House of Commons is not permanent, but rather is appointed for the consideration of a specific bill. The term refers to the fact that committee members stand when they speak, rather than sit around a dais or table. An all-party Committee of Selection recommends appointments to a standing committee based on the subject of the bill to be considered and the relevant expertise or interest of particular MPs from the different parties. The committees debate the bills referred to them and may consider and dispose of amendments offered by committee members.

**Select Committees.** A parliamentary select committee comprises backbench Members who typically serve on the panel for the duration of a Parliament. Select committees are typically oversight committees that review executive department operations (there is generally one select committee for each department); review internal operations of the House of Commons; and review

specified major policy areas (for example, regulatory reform, human rights, and public accounts). The House of Commons occasionally decides to refer a bill to a select committee, but the primary purpose of select committees is to gather information and issue reports to the House of Commons. A few select committees are joint committees with Members from both the House of Commons and House of Lords.

**Grand Committees.** Grand committees currently consider legislation dealing with Scotland, Wales, and Northern Ireland. All House of Commons Members from the relevant country or province serve on the appropriate grand committee, and a limited number of additional MPs may be named to serve. Since the passage of devolution legislation affecting Scotland and Wales, and because of the 1998 Good Friday accords in Northern Ireland, the importance of the three grand committees has declined in recent years.

**Committee of the Whole House.** The House of Commons developed the concept of the Committee of the Whole, and its practice spread to the colonial legislatures and, from there, on to the U.S. Congress. Although the House of Representatives routinely uses the Committee of the Whole to consider measures in a detailed fashion and to permit consideration of many amendments under tight time limitations, the Committee of the Whole House in the Commons has been less frequently used in recent years than in the past. When the Government submits the budget, it does so when the Commons is in Committee of the Whole House. Many routine measures are now considered in Committee of the Whole House, rather than in a standing committee.

In the House of Representatives, service on standing committees is relatively permanent and the chairmanships are always held by majority party members, unlike the House of Commons where chairs are allocated among all major parties. The contemporary House of Representatives makes relatively less use than it did formerly of temporary select committees created to study and report on specific subjects, although select committees were created by the House in the 107<sup>th</sup> and 108<sup>th</sup> Congresses to consider legislation related to the relatively new issue of homeland security. In the 109<sup>th</sup> Congress, the House created the Committee on Homeland Security as a permanent, standing panel. The four joint committees in Congress either handle internal administrative matters (Library and Printing) or study major policy issues (Economic and Taxation). The House of Representatives' widespread use of subcommittees is not matched in the House of Commons.

## Typical Floor Action

In the House of Commons, the major legislation of the session is controlled by the Government. When the Government proposes a measure, it is introduced in the House of Commons by the minister representing the department which will handle the administration of the measure if enacted. This so-called "first reading" of the bill is typically done without debate, and a date is generally set then for a second reading debate on the measure.

The concept of each bill having three readings (which the House of Representatives still follows in theory if not exact practice) originated in the House

of Commons when it was difficult to provide printed copies of bills to all MPs and when universal literacy among MPs was not the case.

A second reading debate is concerned with the broad principles of a bill. Amendments are not permitted and Opposition spokesmen generally indicate their views (oppose totally, support with varying degrees of enthusiasm, or oppose with intention to offer significant amendments); and backbench MPs also give evidence of their views on the pending measure. A division of the House can be had after the second reading debate as a test of support for the concept. It is extraordinarily rare for a measure to fail a second reading vote, but a large number of abstentions from Government backbench Members, or even votes by them against the measure may signal major difficulties with the bill later. After the second reading, bills are generally referred to standing committees (in about three-quarters of the cases), or are committed to the Committee of the Whole House (about a quarter of all Government bills).

Committee consideration of a major bill in the House of Commons can be protracted, especially when committee members appear eager to recommend large numbers of amendments to it. When the committee votes to report the measure back to the House of Commons, the Government and the Government majority must determine its strategy. The Government may decide to accede to all recommended amendments to its bill, or may seek to overturn the committee's recommendations on some or all amendments. Once the House of Commons has disposed of the committee-recommended amendments, the Commons agrees to the bill by agreeing to the motion to order a third reading on the bill.

In the United States, the first reading technically occurs when the House of Representatives takes up the bill and the third reading just prior to a vote on final passage. A formal second reading in the House of Representatives is now something of a phantom. "Reading the bill for amendment in Committee of the Whole" could be considered a second reading, but, in that case, bills not considered in Committee of the Whole are read only a first and third time. The procedural significance of these differences is not great in practical terms, although in the House of Commons passage of a bill occurs on the motion to order the third reading while in the House of Representatives, "ordering the third reading" freezes the text of the bill and prohibits the offering of further amendments prior to a later vote on final passage.

The "motion to recommit" in the House of Representatives can be offered after the "third reading" is ordered and before the vote on final passage. The motion is an opportunity for the minority party, if it so chooses, to move to return a bill to committee with instructions that the committee return to the House immediately with a bill in the form demanded by the minority party. This motion assures that the minority can obtain a vote on its preferred version of major legislation and force the majority to go on record against its alternative. There is no direct analog to this process in the House of Commons.

## **Amendment Rules and Practices**

The amendment rules of the two chambers differ significantly. Both bodies recognize a ban on third-degree amendments. But the House of Commons (in

committee and on the floor) bans substitute amendments (those which strike an entire text and replace it with an alternative proposal). Thus, an amendment in the House of Commons can be subjected to a series of perfecting amendments which do not replace the text of the underlying amendment in its entirety. In the House of Representatives, a first-degree amendment can have offered to it a second-degree perfecting amendment. In addition, a substitute amendment can also be offered, which in turn can be the subject of second-degree perfecting amendments as well. Thus, only two amendments may be pending simultaneously on the House of Commons floor or in committees, while as many as four amendments can be pending at the same time in the U.S. House Committee of the Whole or standing committees. A bill considered only in the House of Representatives (and not in Committee of the Whole) is considered under the One-Hour Rule. The Member managing the bill is recognized for one hour, and normally yields half of that time “for purposes of debate only” to a minority party Member. The manager will usually offer the previous question motion, and unless that motion is defeated, no amendments can ordinarily be offered to the bill.

The power to select amendments is a major power of the Speaker and chairs in the House of Commons and has no precise analog in the U.S. House. Limitations on the right of Members to offer properly drawn amendments occur in the House of Representatives and its committees only pursuant to a Rule from the Rules Committee, under a motion “to suspend the Rules and pass” a bill, under provisions in an “expedited procedure” statute (such as the Budget Act), by unanimous consent, or, in the case of U.S. House committees, by internal committee rule.

## **Ordinary Limitations on Debate**

In the House of Representatives (but not in Committee of the Whole), the rules permit the offering of a motion to order the previous question. The motion is not debatable or amendable, and if agreed to by the House of Representatives by majority vote with a majority quorum present, precludes any further debate and amendments on the pending issue, and brings about a vote on final passage. In the House of Commons, a closure motion can be offered at any time on a pending matter, but unlike the U.S. Congress, the Speaker of the House of Commons can rule such a motion out of order on the grounds that sufficient opportunity for debate has not been afforded. The Speaker’s decision is not subject to appeal.

The closure motion stops all debate and further amendments if agreed to, and can be offered in either the House of Commons, the Committee of the Whole House, or in a standing committee. In the House of Representatives, the comparable previous question motion cannot be offered in Committee of the Whole. There, a motion to end debate is used, and that motion, if agreed to, ends debate either on the pending section of the bill or on the bill in its entirety, but does not preclude the offering of further amendments without debate. The motion may be offered in a form ending debate immediately or at a specified future time. Under some circumstances, additional limited debate may be permitted on amendments submitted in advance and printed in the *Congressional Record* but which had not been called up at the time debate was ended.



## **Allocation of Time Orders and Rules from the Rules Committee**

In the House of Representatives, debate time is rigidly controlled. Members may be recognized to speak for no more than one hour (and typically this time is divided equally between the parties), although the time permitted normally is controlled in five-minute (the Five-Minute Rule, used generally for debating amendments) blocks. In the House of Commons, no general limit on debate time exists, although MPs must speak without prepared remarks. The House of Commons' Speaker can take MPs off their feet if they stray from the subject under debate or lose the attention of the House.

In order to manage the time for its deliberations, the House of Commons occasionally adopts extraordinary limitations on parliamentary practices. These supplementary procedures are enforced through the adoption of an Allocation of Time Order (known more colloquially as a "guillotine"), quite similar in some respects to a special rule from the Rules Committee. Typically, these motions set a time limit for debate at a particular stage in the process, and often also include specifications for completing subsequent legislative stages of a bill, or provide for the division of consideration time among the relevant parliamentary parties.

Recently, the House of Commons has been experimenting with so-called "programming motions." These motions, like those just described, seek to set limitations and timetables for various stages of the legislative process and are established in response to pressure from backbenchers for more session predictability. Programming motions come from the committee (usually a "programming subcommittee") considering a particular bill. They generally set a date for the completion of committee consideration of the bill, and a timetable for action by the Commons to consider the committee's report, and steps to get to the third reading. The programming motions are considered on the floor of the House of Commons either without debate (if the Government agrees to the timetable), or, if not, with up to 45 minutes' debate. A previously adopted programming motion may be revised by a subsequent programming motion considered under similar time limits.

In the House of Representatives, the Rules Committee performs a more continuous role in structuring floor debate and amendments to pending significant bills. The Rules Committee membership currently is set at nine majority and four minority members, and its members are elected by the House of Representatives upon the recommendation of the Speaker and the Minority Leader, subject to a vote of approval from their respective party caucus or conference. The House of Representatives may agree to upwards of 100 rules from the Rules Committee per session, and significant numbers of these rules limit the Members' amendment rights as set forth in the regular rules of the House, and also limit the amount of time for debate on a bill and any or all amendments.

## **Adjournment Debates and Special Order/One-Minute Speeches**

Adjournment debates in the House of Commons serve much the same purpose as special order speeches do in the House of Representatives. At the completion of the daily legislative agenda, the Leader of the House of Commons moves that the House adjourn. This motion is debated for 30 minutes. The subject to be debated during this 30-minute block is chosen by ballot among private Members of the House of Commons. Thus, matters of local interest or matters not presently the subject of action by the Government can be brought to the House of Commons by the concerted efforts of nongovernment Members. Government ministers are expected to participate in these debates, especially when the conduct of their departments is the subject of debate. On rare occasions, adjournment debates may be crucial: it was an adjournment debate in May 1940 which led to the fall of the Chamberlain Government and Winston Churchill's emergence as Prime Minister.

Similarly, in the House of Representatives, the Majority Leader or his designee announces that the House has completed its scheduled legislative work for the day. Thereafter (but before the House officially adjourns), Members may be recognized by the Speaker to address the House for specified periods of time (but for no more than one hour) to speak on such subjects as they wish. In recent years, these time periods have been used by the parties or factions within a party to discuss policy subjects of concern to them. Under current House of Representatives practice, minority party Members are given preference in recognition during this period.

The House of Commons has recently provided for adjournment debates on Tuesday and Wednesday mornings. Five debate subjects are usually provided for on each day, with two 90-minute debates, followed by three half-hour debates. This is similar to the recent House of Representatives practice of permitting "Morning Hour" debates on certain days of the week, for periods not to exceed ninety minutes.

The House of Representatives' long-standing custom of permitting, at the Speaker's discretion, one-minute speeches at the beginning of a session day seems to have no analog in the House of Commons.

## **Parliamentary Questions**

On four meeting days each week, Cabinet Ministers respond to oral questions from rank-and-file MPs. The practice has never been adopted in the House of Representatives, although proposals for experimental use of a question period have been offered periodically in Congress. All Cabinet Ministers are expected to participate in the oral question process on a regularly scheduled basis, and the Prime Minister now appears at noon on Wednesdays for 30 minutes. The Leader of the Opposition is entitled to offer six questions to the Prime Minister during this period, and the leader of the second-largest opposition party, two.

MPs who wish to ask questions for oral answer submit their questions two weeks in advance of a minister's scheduled appearance. A drawing is held to determine which questions will be asked in which order, although only a few will

actually be reached in practice. A Member may, if his question was not reached, defer his it to a later date, withdraw it, or submit it for written response. Literally thousands of written response questions are submitted to ministers annually. On an urgent matter, an MP may consult the Speaker about recognition for a so-called “private notice question.” If the Speaker believes the matter is of an urgent character, the MP raising the question will notify the minister concerned, and the private notice question will be addressed after the completion of the regularly scheduled oral question period.

## **Second Chambers**

The U.S. Senate is perhaps the most powerful second chamber of any national bicameral legislature. If a measure cannot be passed in identical form in both the House of Representatives and Senate, it cannot be sent to the President for his approval.

Although the influence of the British House of Lords has increased in the last several decades, the House of Commons still has the ultimate say in legislative matters. With the exception of money bills (which go to the Queen for the Royal Assent if the House of Lords has not passed them within one month of receipt), the House of Lords may amend virtually any measure sent to it by the House of Commons. If the House of Commons rejects the House of Lords’ amendment and the Lords insists upon it, the Commons has the ultimate say in breaking the impasse. If the House of Commons passes the bill in essentially the same form a second time in the next annual session, it will be sent to the Crown for the Royal Assent without action by the House of Lords.

The House of Lords Act, 1999 made fundamental changes in the composition of the House of Lords. Hereditary peers were no longer to be assured of a place in the House of Lords. Under the terms of the act, 75 hereditary peers were to be chosen by all hereditary peers to serve as voting Members of the House of Lords until the passage of a further reform act (at some time in the future) abolished totally the presence of hereditary peers in the House of Lords. In April, 2005, the 691 Peers came from the following categories: 74 hereditary peers, 15 hereditary peers holding elected office in the House of Lords, 25 bishops of the Church of England, 575 life peers, and two hereditary royal office holders. These totals exclude 14 Peers who are on leave of absence.

The life peers are named by the Queen on the recommendation of an advisory commission composed of peers representing all parties. There are two categories of life peerages. Under the Appellate Jurisdiction Act 1876, life peers are appointed to serve as Lords of Appeal and serve as members the final forum of judicial appeal in the United Kingdom The Life Peerages Act 1958 created peerages as mark of accomplishment in a wide variety of professions, including government, business, and the arts. During the first Parliament of the current Labour Government (1997-2001), more than 233 life peers were created.

## References and Sources

A report of this type is necessarily catalectic. Interested readers may wish to consult some additional sources that treat the British Parliament in a more comprehensive or authoritative manner. The standard reference work for British parliamentary practice, which is also used as a precedent guide for many British Commonwealth parliaments, is *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*. The 23<sup>rd</sup> edition, edited by Donald Limon, W.R. McKay, and others, was published in 2004. J.A.G. Griffith and Michael Ryle are the authors (1989) of *Parliament: Functions, Practice and Procedures*. A second edition, prepared by Robert Blackburn and Andrew Kennon, was published in 2002. A shorter and less technical work is *How Parliament Works*, fifth edition, 2004, by Paul Silk and Rhodri Walters. The monumental comparative study, *Parliament and Congress*, by Kenneth Bradshaw and David Pring, last revised in 1981, is now out of print and significantly dated in its treatment of both legislatures. The British Parliament also has an extensive amount of educational materials on its website, [<http://www.parliament.uk>].

The best one-volume official American parliamentary manuals comparable to *Erskine May* are Wm. Holmes Brown and Charles W. Johnson, *House Practice* (2003) and Alan Frumin, rev., *Riddick's Senate Procedure* (1992). The most widely used survey of American legislative procedures is Walter Oleszek, *Congressional Procedures and the Policy Process*, sixth edition, 2004. The U.S. Congress's website, [<http://www.congress.gov>] (available only to Members of Congress and their staff), and Thomas [<http://thomas.loc.gov/>], have a substantial amount of educational material, in particular the collection of reports on parliamentary procedures at the House Rules Committee's website, [<http://www.house.gov/rules/>].